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CF1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 01 / 2007

PETITIONER

Salik Ram Pradhan
S/o Shri Sonuram, Aged about 43 years,
Occupation - Helper,
Public Works Department, Raigarh,
R/o Village Juda, District Raigarh(C.G.)

P.R. No. 22/4/06
Presented by Shri Rajesh Anthony
dated 22/12/06

VERSUS

RESPONDENTS :

1. **The State of Chhattisgarh**
Through : The Superintending Engineer
Public Works Department, Raigarh,
Tehsil and District - Raigarh (C.G.)

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2. **Executive Engineer**
Public Works Department, Raigarh,
Tehsil and District - Raigarh (C.G.)

3. **Sub Divisional Officer**
Public Works Department, Raigarh,
Tehsil and District - Raigarh (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG 3786
21/12/06
Bilaspur Chhattisgarh

4. **Presiding Officer**
State Industrial Court, Chhattisgarh,
Raipur, Tah. and Dist. Raigarh(C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER :**

As stated in the cause title above.

29.

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (L.) NO.1 OF 2007

Petitioner : Salik Ram Pradhan

versus

Respondents : The State of Chhattisgarh and others

Present : Mr. Rakesh Anthony, counsel for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State/respondents No.1 to 3.

ORDER
(Passed on 15th Day of January, 2007)

The petitioner was appointed as Labour in the year 1988. Thereafter, the petitioner was posted as Helper on 27-3-1997 in the office of the Sub-Divisional Officer, Public Works Department, Raigarh. The petitioner was not paid salary of the post of Helper. Accordingly, he filed an application under Section 31(3) of the Madhya Pradesh Industrial Relations Act, 1960 before the Labour Court, Bilaspur. The Labour Court, by judgment and order dated 14-1-2000, allowed the application partly to the extent that the petitioner would be entitled to salary for the period he had worked as Helper.

2. Being aggrieved, the petitioner filed an appeal under Section 65 of the Madhya Pradesh Industrial Disputes Act along with an

(30)

application for condonation of delay. Learned Industrial Court, Bench at Raipur, after considering all the reasons for condonation of delay, by order dated 18-5-2001 in Civil Appeal No.241/MPIR Act/A(ii)/2000, came to the conclusion that the petitioner did not make out a case for condoning the delay.

3. Being aggrieved, the petitioner filed a writ petition, being Writ Petition No.2149 of 2001, against the order dated 18-5-2001 passed by the Industrial Court, Bench at Raipur, in Civil Appeal No.241/MPIR Act/A(ii)/2000. This Court, by order dated 3-2-2006, allowed Writ Petition No.2149 of 2001 and quashed the order dated 18-5-2001 passed by the Industrial Court, Bench at Raipur. The matter was ordered to be remitted back to the Industrial Court for decision on merit.

4. The petitioner has filed this petition against the order dated 20-11-2006 (Annexure P-1) passed by the State Industrial Court, Raipur dismissing Civil Appeal No.241/CGIRAct/A-II/2000.

5. The Industrial Court, in appeal, has considered the facts in detail. It was held that the petitioner was a daily wager employee and as such in the light of the settled position of law the petitioner, being a daily wager employee, has no right to regularisation.

6. I have gone through the judgment and order passed by the Industrial Court, impugned herein. There is no jurisdictional error or infirmity. The reasons and finding recorded by the Court below are

(31)

unexceptionable. Thus, no interference is warranted in this petition under Article 227 of the Constitution of India.

7. As a result, for the reasons stated hereinabove, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal